

**STATE OF CONNECTICUT  
DEPARTMENT OF PUBLIC HEALTH  
BUREAU OF REGULATORY SERVICES**

In re: Safe Environment of America, Inc.

Petition No. 990910-053-016

**CONSENT ORDER**

WHEREAS, Safe Environment of America, Inc. of Ludlow, Massachusetts (hereinafter "respondent") has been issued license number 000080 to practice as an asbestos contractor by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 400a of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department alleges that:

1. In or about May 1998, respondent was the licensed asbestos contractor for an asbestos abatement project at Cuno, Inc., 400 Research Parkway, Meriden, CT (hereinafter "the Cuno property"). Said project involved the removal of approximately 1,200 square feet of asbestos containing floor tile and mastic from a manufacturing facility on the Cuno property.
2. On or about May 28, 1998, during a Department inspection of the asbestos abatement project at the Cuno property, respondent failed to:
  - a. properly maintain a log of control of access to the asbestos abatement work area;
  - b. provide negative pressure ventilation units with high efficiency particulate air (hereinafter "HEPA") filtration in sufficient number to allow at least one work place air change every fifteen minutes; and/or

- c. ensure that no person leave the asbestos abatement work area unless first decontaminated by showering, wet washing or HEPA vacuuming to remove all asbestos debris.
- 3. In or about July 1999, respondent was the licensed asbestos contractor for an asbestos abatement project at the Connecticut Agricultural Experimental Station, Cook Hill Road, Windsor, CT (hereinafter "the Ag Station property"). Said project involved the removal of approximately 1,300 linear feet of asbestos containing pipe insulation, 40 square feet of asbestos tank insulation, 40 square feet of asbestos breeching insulation and 337 asbestos containing fittings from the basement level of an office building on the Ag Station property.
- 4. On or about July 9, 1999, during a Department inspection of the asbestos abatement project at the Ag Station property, respondent failed to:
  - a. properly construct and maintain a worker decontamination system to ensure that no person or equipment left the asbestos abatement work area unless first decontaminated by showering, wet washing, or HEPA vacuuming to remove all asbestos debris;
  - b. supply warm water to the shower in the worker decontamination system;
  - c. ensure that all floor and wall surfaces in the work area were covered with a minimum of six mil polyethylene sheeting or the equivalent;
  - d. ensure that all non-movable objects in the work area were covered with minimum of six mil polyethylene sheeting secured in place;
  - e. ensure that all openings between the work area and non-work areas, including but not limited to windows, doorways and corridor entrances, were sealed airtight with six mil polyethylene sheeting;

- f. ensure that the work area was isolated from non-work areas by airtight barriers attached securely in place;
  - g. restrict work area access to authorized personnel afforded proper respiratory protection and protective clothing;
  - h. properly notify the Department of the amounts and/or types of asbestos containing material to be removed; and/or
  - i. ensure that equipment and supplies were properly stored.
3. The above described facts constitute grounds for disciplinary action pursuant to Chapter 400a and §19a-332a(b) of the General Statutes of Connecticut, taken in conjunction with §§19a-332a-1, 19a-332a-2, 19a-332a-3, 19a-332a-4(b)(7), 19a-332a-5(c), 19a-332a-5(d), 19a-332a-5(e), 19a-332a-5(f), 19a-332a-5(h), 19a-332a-6(a), 19a-332a-6(b), 19a-332a-18(e)<sup>1</sup> and/or 20-440-6(b)<sup>2</sup> of the Regulations, Connecticut State Agencies.

WHEREAS, respondent, in consideration of this Consent Order, has chosen not to contest the above allegations of wrongdoing but, while admitting no guilt or wrongdoing, agrees that for purposes of this or any future proceedings before the Department, this Consent Order shall have the same effect as if proven and ordered after a full hearing held pursuant to §§19a-10, 19a-14 and Chapter 400a of the General Statutes of Connecticut.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and Chapter 400a of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

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<sup>1</sup> The Regulations, Connecticut State Agencies were amended subsequent to the violations alleged by the Department with respect to the Cuno property. Section 19a-332a-18(e) of the Regulations, Connecticut State Agencies was not in effect at the time of the Department's investigation of the asbestos abatement project at the Ag Station.

<sup>2</sup> Section 20-440-6(b) of the Regulations, Connecticut State Agencies was not in effect at the time of the Department's investigation of the asbestos abatement project at the Cuno property.

1. Respondent waives its right to a hearing on the merits of this matter.
2. Respondent's license number 000080 to practice as an asbestos contractor in the State of Connecticut is hereby reprimanded.
3. Respondent shall pay a civil penalty of four thousand dollars (\$4,000.00) by certified or cashier's check payable to "Treasurer, State of Connecticut." The check shall reference the Petition Number on the face of the check, and shall be payable at the time respondent submits the executed Consent Order to the Department.
4. Respondent shall comply with all state and federal statutes and regulations applicable to its licensure.
5. Respondent shall pay all costs necessary to comply with this Consent Order.
6. This Consent Order is effective on the date this Consent Order is accepted and ordered by the Department.
7. Respondent agrees that this Consent Order shall be deemed a public document, and the Department's allegations as contained in this Consent Order shall be deemed true in any subsequent proceeding before the Department in which its compliance with this Consent Order or with Chapters 400a or 368l of the General Statutes of Connecticut, as amended, is at issue.
8. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, this Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that it may have under the laws of the State of Connecticut or of the United States.

9. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
10. Respondent permits a representative of the Legal Office of the Bureau of Regulatory Services to present this Consent Order and the factual basis for this Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether this executed Consent Order is approved or accepted.
11. Respondent has the right to consult with an attorney prior to signing this document.

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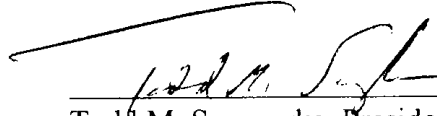
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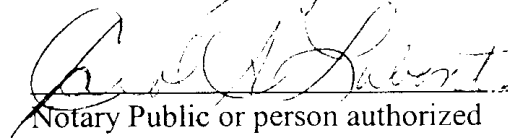
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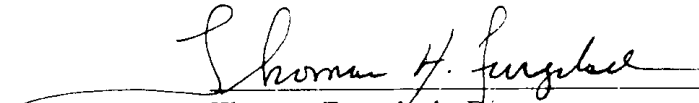
I, Todd M. Scyocurka, President of Safe Environment of America, Inc., have read the above Consent Order, and I affirm that I am fully authorized and empowered to bind said corporation. I hereby stipulate and agree to bind Safe Environment of America, Inc. to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

  
Todd M. Scyocurka, President

Subscribed and sworn to before me this 24th day of April 2000.

  
Notary Public or person authorized  
by law to administer an oath or affirmation  
CAROL A. LABONTE  
Notary Public  
My Commission Expires Oct. 2

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 24<sup>th</sup> day of April 2000, it is hereby accepted.

  
Thomas H. Furgalack, Director  
Division of Environmental Health

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 24<sup>th</sup> day of April 2000, it is hereby ordered and accepted.

  
Donald H. Levenson, Hearing Officer  
Public Health Hearing Office